

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6989

BILL NUMBER: HB 1189

NOTE PREPARED: Jan 29, 2004

BILL AMENDED: Jan 29, 2004

SUBJECT: Hidden Compartments in Motor Vehicles.

FIRST AUTHOR: Rep. Stevenson

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a person who: (1) owns or operates a motor vehicle containing a hidden compartment; or (2) constructs or installs a hidden compartment in a motor vehicle; commits a Class C misdemeanor. It also provides that a motor vehicle containing a hidden compartment is subject to seizure and forfeiture.

Effective Date: July 1, 2004.

Explanation of State Expenditures:

Explanation of State Revenues: *Class C Misdemeanor:* There are no data available to indicate how many offenders may be convicted of owning or operating a vehicle with a hidden compartment. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Seizure and Forfeiture: The proceeds from property seized and sold are deposited in the general fund of the state or the unit that employed the law enforcement officers that seized the property, and any excess value of the proceeds over law enforcement agency costs are transferred to the State Treasurer for deposit in the Common School Fund. The revenues from forfeitures in the Common School Fund are not separately identified in the state accounting system.

Explanation of Local Expenditures: *Class C Misdemeanor:* A Class C misdemeanor is punishable by up

to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Class C Misdemeanor:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.